

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT**

**IN RE:**

Olivia McMahan,

DEBTOR.

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CHAPTER 13

CASE NO. 22-40465-MLO

JUDGE MARIA L. OXHOLM

**TRUSTEE'S OBJECTION TO CONFIRMATION OF THE  
FIRST MODIFIED, PRE-CONFIRMATION CHAPTER 13 PLAN**

**NOW COMES** the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and objects to confirmation of the debtor's First Modified, Pre-Confirmation Chapter 13 Plan, and in support thereof states as follows:

1. The Plan does not comply with 11 U.S.C. §1308(a). The Department of the Treasury - Internal Revenue Service has filed a Proof of Claim indicating that Debtor has not filed tax returns for 2020.

2. The amount of the proposed funding in the Plan is not sufficient to pay all claims as proposed in the Plan (the Plan is underfunded). Therefore, the Plan does not provide for the submission of sufficient future earnings or future income for the execution of the Plan as required by 11 U.S.C. §1322(a)(1).

3. Debtor's pay stubs dated December 24, 2021, January 7, 2022, and January 21, 2022, discloses year-to-date gross income in the amount of \$3,577.69, which constitutes monthly net income in the average amount of \$2,283.55. Schedule I overstates the monthly net income by approximately \$152.46. The Plan does not comply with 11 U.S.C. §1325(b)(1)(B) and 11 U.S.C. §1325(a)(3).

4. Debtor's paystubs provided to the Trustee indicate that the Debtor has voluntary deductions of \$278.00 per month. The Debtor testified at the First Meeting of Creditors that the \$278.00 per month voluntary deduction is no longer taken out of Debtor's pay. As such, the Trustee requires the Debtor to provide additional paystubs so that the Trustee may verify that the voluntary deductions are no longer being taken out of Debtor's paystubs and so that the Plan can comply with 11 U.S.C. §1325.

**WHEREFORE**, the Chapter 13 Standing Trustee requests this Honorable Court deny confirmation of the debtor's Chapter 13 Plan unless modified to meet these objections or, in the Court's discretion, dismiss the Chapter 13 Case pursuant to 11 U.S.C. §1307(c) or, provide such other relief as this Court deems appropriate.

OFFICE OF DAVID WM. RUSKIN,  
STANDING CHAPTER 13 TRUSTEE

Dated: March 23, 2022

By:      /s/ John P. Kapitan     

DAVID Wm. RUSKIN (P26803), Trustee  
LISA K. MULLEN (P55478), Staff Attorney  
JOHN P. KAPITAN (P61901), Staff Attorney  
1100 Travelers Tower, 26555 Evergreen Road  
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**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTION TO  
CONFIRMATION OF THE DEBTOR'S FIRST MODIFIED,  
PRE-CONFIRMATION CHAPTER 13 PLAN**

I hereby certify that on March 23, 2022, I electronically filed the Trustee's Objection to Confirmation of the debtor's First Modified, Pre-Confirmation Chapter 13 Plan with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

FREGO & ASSOCIATES - THE BANKRUPTCY LAW OFFICE  
23843 JOY ROAD  
DEARBORN HEIGHTS, MI 48127-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Olivia McMahan  
8498 Renee St.  
Newport, MI 48166-9485

/s/ Vanessa Wild

Vanessa Wild  
For the Office of David Wm. Ruskin  
Chapter 13 Standing Trustee-Detroit  
1100 Travelers Tower  
26555 Evergreen Road  
Southfield, MI 48076-4251  
(248) 352-7755